IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.7896 of 2008
SHIVJEE CHOUDHARY & ORS
Versus
THE STATE OF BIHAR
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2. 9.5.2008 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners pray for anticipatory bail in a case under Sections 498A, 323, 341/34 of the Indian Penal Code.

The allegation in the F.I.R. lodged at about 6.30 in the evening on 24.10.2007 by the alleged victim girl is that at about 9 O' Clock in morning she had been abused and thereafter she was severely assaulted by the accused persons for the reason that she did not bring the money that was demanded as dowry. It is stated in the F.I.R. that marriage had taken place in the year 2002 and the accused persons started torturing her thereafter. She had also lodged a case earlier but the same was compromised on the intervention of the Panchayat.

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Learned counsel for the petitioners submits that a false case has been lodged in the present matter as earlier the husband of the informant had started residing at Jainagar in the house of his in-laws and most of the money taken by him from the parental home has been handed over to the informant's father which has not been returned and subsequently for the needs of his business he had demanded money from his parents.

It is thus the case of the petitioners that the husband of the informant has since long period of time been living separately and it is

submitted by learned counsel for the petitioners that in the course of investigation several witnesses have supported the said stand. It is pointed out that the husband of the informant has surrendered and at present he is in custody. The petitioners are the father-in-law, mother-in- law and brother of the husband of the informant.

On a consideration of the aforesaid facts and circumstances, it is directed that the petitioners, (1) Shivjee Choudhary, (2) Sushila Devi and (3) Kamlesh Kumar @ Kamlesh Choudhary, in the event of their arrest/surrender in the Court below within four weeks from today, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties each of the like amount each in connection with Jainagar P.S. Case No. 212/07 to the satisfaction of the Chief Judicial Magistrate, Madhubani, subject to the other conditions laid down under Section 438(2) of the Code of Criminal Procedure.

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P. Kumar **(Ramesh Kumar Datta, J.)**

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